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6

7 IN THE UNITED STATES DISTRICT COURT  
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
9 SAN JOSE DIVISION  
10

11 UNITED STATES OF AMERICA,	)	No. CR-10-00479-JF
	)	
12 Plaintiff,	)	STIPULATION AND <del>PROPOSED</del>
	)	ORDER CONTINUING HEARING DATE
13 vs.	)	AND EXCLUDING TIME UNDER THE
	)	SPEEDY TRIAL ACT
14 JAVIER JARACUARO-ARELLANO,	)	
	)	
15 Defendant.	)	
_____	)	

16 **STIPULATION**

17 Defendant Javier Jaracuaro-Arellano, by and through Assistant Federal Public Defender  
18 Varell L. Fuller, and the United States, by and through Special Assistant United States Attorney  
19 Bradley D. Price, hereby stipulate that, with the Court's approval, the status hearing date  
20 currently scheduled for Thursday, August 26, 2010, shall be continued to Thursday, September  
21 2, 2010, at 9:00 a.m.

22 The reason for the requested continuance is that additional time is needed to permit  
23 defense counsel to be provided with and review the audio recording of Mr. Jaracuaro-Arellano's  
24 1994 deportation hearing.

25 The parties therefore agree that the time between August 26, 2010, and September 2,  
26

2010 is excludable under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) and (B)(iv), for effective preparation.

IT IS SO STIPULATED.

Dated: August 25, 2010

\_\_\_\_\_/s/\_\_\_\_\_  
VARELL L. FULLER  
Assistant Federal Public Defender

Dated: August 25, 2010

\_\_\_\_\_/s/\_\_\_\_\_  
BRADLEY D. PRICE  
Special Assistant United States Attorney

~~{PROPOSED}~~ **ORDER**

GOOD CAUSE APPEARING, upon stipulation of the parties, IT IS HEREBY ORDERED that the hearing currently set for August 26, 2010, shall be continued to Thursday, September 2, 2010, at 9:00 a.m.

THE COURT FINDS that failing to exclude the time between August 26, 2010, and September 2, 2010, would unreasonably deny defense counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(7)(B)(iv).

THE COURT FURTHER FINDS that the ends of justice served by excluding the time between August 26, 2010, and September 2, 2010, from computation under the Speedy Trial Act outweigh the interests of the public and the defendant in a speedy trial.

THEREFORE, IT IS HEREBY ORDERED that the time between August 26, 2010, and September 2, 2010, shall be excluded from computation under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A) and (B)(iv).

IT IS SO ORDERED.

Dated: 8/25/10

  
\_\_\_\_\_  
THE HONORABLE JEREMY FOGEL  
United States District Court Judge